

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:15-cv-00194-MOC  
Related Bankruptcy Case: 11-10053

BILTMORE INVESTMENTS, LTD.,	)	
	)	
Appellant,	)	
	)	
Vs.	)	ORDER
	)	
TD BANK, N.A.,	)	
	)	
Appellee.	)	

**THIS MATTER** is before the court on Appellant Biltmore Investments, Ltd.’s “Withdrawal of Motion for Stay Pending Appeal and Brief by Appellant in Support of Appellant’s Motion for Leave to Appeal.” (#6). On October 13, 2015, this court entered an Order (#5) setting briefing deadlines regarding Appellant’s “Motion for Leave to Appeal Pursuant to 28 U.S.C. § 158(a)(3) and Stay Pending Appeal Or Expedited Briefing Schedule” (#2), requiring Appellant to file its brief in support of such motion by October 26, 2015. By the instant filing, Appellant states that it “withdraw[s] its Motion for Stay Pending Appeal or Expedited Briefing Schedule,” and then submits a brief in support of its Motion for Leave to Appeal.

The parties are reminded that each motion for relief brought before the court should be made by a separately filed pleading. See LCvR 7.1(C)(2). However, it appearing that Appellant seeks to withdraw the portion of (#2) requesting relief in the form of a Motion to Stay, the court will treat such request as a Motion to Withdraw and grant relief accordingly. It further appearing that Appellant wishes to pursue the portion of (#2) seeking relief in the form of a Motion for

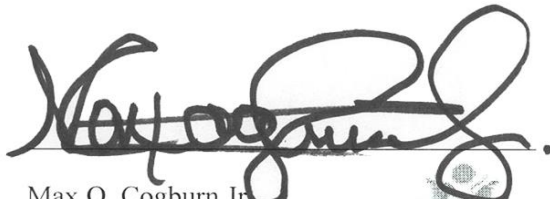
Leave to Appeal, the court will proceed with the briefing schedule that has been previously set.  
The court therefore enters the following Order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Appellant Biltmore Investments, Ltd.'s "Withdrawal of Motion for Stay Pending Appeal" contained within (#6), which the court deems as a Motion to Withdraw the "Motion for Stay Pending Appeal" portion of (#2), is **GRANTED**. The court deems Appellant's Motion to Stay as **WITHDRAWN**.

**IT IS FURTHER ORDERED** that Appellee respond to the "Brief by Appellant in Support of Appellant's Motion for Leave to Appeal" contained within (#6) by November 9, 2015, in accordance with the deadlines previously set by the court by its previous Order (#5).

Signed: October 29, 2015

  
Max O. Cogburn Jr.  
United States District Judge